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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5223/2020 and CM Nos. 18835-37/2020

NAGAJI INSTITUTE OF TEACHER EDUCATION..... Petitioner

Through Mr.Amitesh Kumar, Ms.Priti Kumari  
and Ms.Binisha Mohanty, Advs.

versus

NATIONAL COUNCIL FOR  
TEACHER EDUCATION & ANR. .... Respondents

Through Ms.Arunima Dwivedi, Standing  
Counsel for NCTE.

**CORAM:**

**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**

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**13.08.2020**

This hearing is conducted through Video-Conferencing.

1. This writ petition is filed by the petitioner seeking a direction to the respondents to comply with and implement the appeal orders dated 12.09.2018 and 05.12.2019 and the order dated 28.05.2019 passed by this court in W.P. (C) 6159/2019 and to take a final decision in the matter.

2. The case of the petitioner is that it is a recognized institution for B.ED and was granted recognition on 09.08.2005. On 27.03.2018, WRC took a decision to withdraw the recognition of the petitioner after issue of a show cause notice. The petitioner filed a statutory appeal on 25.05.2018. The Appellate Authority by its order dated 12.09.2018 accepted the appeal and remanded the matter back to WRC. In the meantime, the withdrawal order was kept in abeyance. In the meantime, the petitioner approached this court

by filing a writ petition being W.P.(C) No. 6159/2019. This court on 28.05.2019 disposed of the writ petition directing that the petitioner's recognition continues to exist by virtue of the appellate order and that the petitioner would be entitled to participate in the exercise of counselling for the academic session 2019-2020. However, WRC on 01.08.2019 decided to reiterate the withdrawal order dated 27.03.2018. The petitioner again filed a statutory appeal before the Appellate Authority. The appeal was allowed on 05.12.2019 and the matter was remanded back to WRC. On 25.02.2020, WRC issued a fresh show cause notice to the petitioner under Section 17 of the NCTE Act, 1993. The petitioner states that a reply has been filed to the same. Another notice was issued on 17.03.2020.

3. The grievance of the petitioner is that the Appellate Authority while allowing the appeal of the petitioner and remanding the matter back to WRC on 05.12.2019 did not quash the impugned order dated 01.08.2019. It is stressed that in the first appeal dated 12.09.2018, the original order of withdrawal of recognition had been kept in abeyance. This court by its judgment dated 28.05.2019 in W.P. (C) 6159/2019 had directed that the petitioner will be entitled to participate in the counselling for the academic session 2019-2020.

4. Learned counsel for the respondent has opposed the present petition stating that the matter is pending before WRC and show cause notices have been issued. She also states that the petitioner has not yet given a reply to the show cause notice dated 17.03.2020.

5. Reference may be had to an order of a Coordinate Bench of this court dated 08.05.2019 passed in W.P.(C) No. 4959/2019 titled as “**HICT Shiksha Mahavidyalaya vs. National Council for Teacher Education &**

**Anr.**”, relevant part of which reads as follows:-

“3. It is axiomatic, in law, that quashing of the order in appeal has necessarily to precede remand of the matter to the original authority.

4. In view thereof, I deem it appropriate to dispose of this writ petition, at this stage itself, by clarifying that the order dated 11th March, 2019, passed by the Appellate Committee in the NCTE, would be treated as quashing the withdrawal order dated 25th September, 2018 of the WRC, and, consequently, remanding the matter to the WRC for a reconsideration.”

6. In view of the above position, the impugned withdrawal order dated 01.08.2019 would stand accordingly quashed as the matter has been remanded back by the Appellate Authority. WRC is free to take its decision based on the directions of the Appellate Authority as per law.

7. Needless to add that the petitioner shall be entitled to all consequential benefits from the present order. The respondent will take all necessary steps in this regard forthwith.

8. With the above directions, the present petition stands disposed of. All pending applications also stand disposed of.

**JAYANT NATH, J**

**AUGUST 13, 2020**

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